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From: Newport, Robert
Sent: Tue 1/5/2016 4:44:20 PM
Subject: RE: Rule Package 3 - Comments from U.S. EPA

Good Morning

We wanted to provide an update on EPA comments on the drafts of Rule Packages 3 and 4. In our call yesterday EPA staff mentioned that we needed to check with John Colletti about the disposition of some questions that had been raised about the definitions for new and existing and expanded discharges as specifically related to BCCs and mixing zones. John reviewed these sections of Rule Package 3 this morning and had a call with Jennifer Jerich. We are OK with these definitions as included in the most recent draft of Rule Package 3. This takes care of the last remaining issue/question regarding EPA's comments on the Rule Packages.

Thank you again for all your work on these Rules.

Best regards,

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From: Newport, Robert
Sent: Monday, January 04, 2016 12:35 PM
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Subject: Rule Package 3 - Comments from U.S. EPA

Hi WDNR Friends

We wanted to communicate two things in follow-up to our call this morning regarding rule package 3.

1. We discussed what are the Federal regulations associated with our comments regarding Issue 10 (Pollutants in Intake Water). The Federal regulation we cited during the call is 40 CFR 122.44(d)(1)(vii)(A). This reg says when developing

WQBELs, "the permitting authority shall ensure that . . . [t]he level of water quality to be achieved by limits on point sources established under this paragraph is derived from, and complies with all applicable water quality standards." A WQBEL that is set equal to background concentration of the receiving water -- where the background concentration is higher than the applicable criteria -- would not be based on the water quality standard. You pointed out Reasonable Potential requirements for establishing limits are also relevant.

2. We discussed if EPA will be making a comment about the Nov. 6, 2000 date in the definition of "new discharge" and "existing discharge." EPA will not be making a comment about the Nov. 6, 2000 date.

It appears the last remaining questions are about the definitions for new and existing and expanded discharges as specifically related to BCCs and mixing zones. The plan we agreed on is to have a short call about this tomorrow morning.

Thank you for all your work on these rule packages.

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